

Attorney Docket No.: 06618/408001 / CIT 2942 / USC 2861

REMARKS

Reconsideration and allowance of the above referenced application are respectfully requested.

Claim 19 is amended herewith to include the limitations of Claim 23 therein. This obviates all of the rejections to Claim 19.

Claim 23 (the subject matter of which is now included in Claim 19) was rejected under 35 USC 103 as being unpatentable over Grot et al. in view of Fleischer et al. and further in view of Cabasso et al. Basically, the rejection alleges that Grot et al. teaches the basic fuel cell membrane system, Fleischer et al. teaches additives, and Kindler teaches a copolymer.

However, note that Kindler teaches only a single additive: a copolymer of TFE and PVDF. Column 3, lines 60-65 teaches that this copolymer, here NAFION™, is used as part of the catalyst. However, note that Claim 19 defines something very different: specifically that the catalyst ink has two different additives: the poly(vinylidene) fluoride, and also the copolymer. No reference teaches both these additives being used. While Kindler does teach the polymer being used as an additive, it does not teach two separate additives. As explained in the specification page 5, lines 4- 9, the two different materials have two different purposes. The copolymer may improve ion

Attorney Docket No.: 06618/408001 / CIT 2942 / USC 2861

conduction and thus improve the fuel cell performance. The poly(vinylidene) fluoride may improve the performance of the membrane. It may also allow the catalyst layer to acquire properties similar to the membrane. Nothing in the cited prior art teaches these two different additives. In fact, a person having ordinary skill in the art might well conclude that the two separate additives are merely duplicative of one another. Therefore, it is not obvious to have a catalyst ink with two separate additives: poly(vinylidene) fluoride and a copolymer. For these reasons, Claim 19 should be allowable.

New Claim 32 is also added to recite that one of the additives is a liquid, and the other of the additives is a powder, as set forth in the specification. This further distinguishes over the prior art, which does not teach or suggest this feature.

Claim 26 has been amended in a similar way, to recite a second ionomer being added to the catalyst ink. Also, this obviates the rejection since the final material is not in fact the same, rather, it has a catalytic ink with different materials as additives.

Claim 27 has been amended in a similar way, and new Claim 33 is added to depend from Claim 27. The patentability of both of these claims should be as noted above.

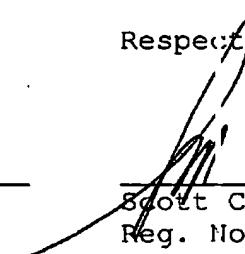
Attorney Docket No.: 06618/408001 / CIT 2942 / USC 2861

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants ask that all claims be allowed. Please apply the \$50 extra claim fee, and any other applicable charges or credits, to Deposit Account No. 06-1050.

Respectfully submitted,

Date: January 6, 2006

  
\_\_\_\_\_  
Scott C. Harris  
Reg. No. 32,030

Fish & Richardson P.C.  
PTO Customer No. 20985  
12390 El Camino Real  
San Diego, California 92130  
(858) 678-5070 telephone  
(858) 678-5099 facsimile

10585781.doc